UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,252	09/15/2000	Sekaran Nanja	20706-000110US	3800

33031 7590 08/31/2005		EXAMINER
CAMPBELL STEPHENSON ASCOLESE, LLP		DU, THUAN N
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BLDG. 4, SUITE 201	ART UNIT	PAPER NUMBER
AUSTIN, TX 78759	2116	

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	09/663,252	NANJA, SEKARAN
	Examiner	**Art Unit**	
	Thuan N. Du	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 June 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 5-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *15* is/are allowed.

6)☒ Claim(s) *1,5-14 and 16-23* is/are rejected.

7)☒ Claim(s) *3* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment filed on June 6, 2005.

2.   Claims 2 and 4 have been cancelled. Claims 1, 3 and 5-23 are presented for examination.

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4.   Claims 5-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.   Claim 5 recites "a user input device" in line 2. It is not clear that "a user input device" recited in claim 5 is the same or different from "a user input device" recited in claim 1, line 11.

6.   Claims 6-7 are also rejected for incorporating the above deficiency by dependency.

7.   Claim 8 recites "the configured" in line 3. It is not clear what is "the configured" mean. Appropriate correction is required.

8.   Claims 9-12 are also rejected for incorporating the above deficiency by dependency.

Claim Rejections - 35 USC § 102

9.   Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Rockwell et al. [Rockwell] (U.S. Patent No. 5,479,599).

10.   Regarding claim 1, Rockwell teaches a method comprising:

creating a computing environment from a plurality of processing resources by allocating

a plurality of the processing resources (CECs) [col. 4, lines 7-17] by displaying a list of the

plurality of the processing resources on a display device (52) [Fig. 4; col. 4, lines 11-12],

wherein

the display device (52) is coupled to a processor (70) [Fig. 1],

the processor is configured to effect the allocating [col. 3, lines 31-46], and

each of the plurality of the processing resources comprises at least one of a

hardware processor (41a,b,c,n respectively) [Fig. 1] and a software program [col.

4, lines 38-40];

accepting signals from a user input device (54) [col. 3, lines 36-38], wherein

the signals indicate the configuration of a selected processing resource of the

processing resources [col. 4, lines 7-47]; and

the user input device (54) is coupled to the processor (70) [Fig. 1]; and

configuring the selected processing resource [col. 4, lines 7-47; col. 6, line 6 et seq.]

11.   Regarding claim 5, Rockwell teaches the method further comprising:

accepting a first signal from the user input device to indicate a processing platform to be

used [col. 4, lines 9-31];

accepting a second signal from the user input device to indicate a software component to

be installed [col. 4, lines 31-36]; and

automatically installing the software component on the processing platform [col. 4, lines

38-42].

Claim Rejections - 35 USC § 103

12.   Claims 6, 7, 13, 14 and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rockwell et al. [Rockwell] (U.S. Patent No. 5,479,599).

13.   Regarding claims 6 and 7, one of ordinary skill in the art would have readily recognized

that software programs could be loaded either from a local computer or a server. Therefore, it

would have been obvious to one of ordinary skill in the art to recognize that the software

component taught by Rockwell could be either a server component or a client component.

14.   Regarding claim 13, Rockwell teaches a method for allocating processing resources, the

method employing a computer user interface coupled to a display screen and to an input device

for generating signals in response to interactions of a user, the method comprising:

allocating the processing resources by

accepting a first signal from the input device (54, 56) which enables the user to specify an

operating system for use in a computing environment [col. 4, lines 28-42];

accepting a second signal from the input device (54, 56) which enables the user to specify

a processor for use within the computing environment [col. 4, lines 9-15];

activating an active operating system, wherein the active operating system is a specified

operating system to run in the computing environment [Figs. 2a-h; col. 3, lines 47-48]; and

activating an active processor, wherein the active processor is a specified processor to run

in the computing environment [Figs. 2a-h; col. 3, lines 47-48].

Rockwell does not explicitly teach that specific type of operating system and processor

are selected. However, Rockwell discloses that the system includes a multiplicity of processors

[col. 2, lines 33-34] and multiplicity of operating systems [col. 4, lines 28-41]. Therefore, it

would have been obvious to one of ordinary skill in the art the recognize that selecting a desired

processor and a desired operating system is selecting a type of processor and a type of operating

system.

15.   Regarding claim 14, Rockwell teaches the method further comprising the step of

displaying the computing environment, wherein the computing environment comprises the active

processor and the active operating system [Fig. 10; col. 6, lines 1-22].

16.   Regarding claim 18, Rockwell teaches that the active software program for the

computing environment is displayed in response to user selection [col. 4, lines 32-35].

17.   Regarding claim 19, Rockwell teaches that the system accepting a signal, wherein the

signal allows the user to shut down the computing environment [Fig. 2i].

18.   Regarding claim 20, Rockwell teaches that the system accepting a signal which allows

the user to specify a new machine to run in the computing environment [col. 5, lines 18-20], to

activate the new machine [col. 6, lines 1-2] and to display the computing environment having the

active machine [col. 6, lines 16-18].

19.   Regarding claim 21-23, Rockwell teaches that a plurality of processors and software

programs are displayed for user selection [col. 4, lines 9-15, 34-35].

20.   Regarding claims 16 and 17, Rockwell teaches the claimed method steps. Therefore,

Rockwell teaches the apparatus to implement the claimed method steps. Since claims 16 and 17

do not teach or further define over the limitations recited in the rejected claims above, therefore,

claims 16 and 17 are also rejected as being unpatentable over Rockwell for the same reasons set

forth in the rejected claims above.

Allowable Subject Matter

21.   Claim 15 is allowed. Claims 8-12 are also allowable if the above 35 U.S.C. 112

rejections have overcome.

22.   Claim 3 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Response to Argument

23.   Applicant's arguments filed June 6, 2005 have been fully considered but they are not

persuasive.

24.   In the remarks, applicant argued in substance that "Rockwell's disclosure thus fails to

describe the need to allocate a processing resource, nor the manner in which a processing

resource should be allocated to create a computing environment, but merely provide for the

activation/deactivation of a processor or group of processors." Examiner respectfully disagrees.

Rockwell clearly allocates processing resource(s) and configures the selected processing

resource(s) to create a computing environment [col. 4, lines 7-47].

Conclusion

25.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

26.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The

examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

27.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Thuan N. Du
August 25, 2005